

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at WINCHESTER

UNITED STATES OF AMERICA )  
                                )  
                                )  
                                ) No. 4:06-CR-8-016  
v.                            )  
                                )  
                                ) Chief Judge Curtis L. Collier  
                               )  
JEFFERY P. SMARTT,        )  
also known as "TK"        )

**O R D E R**

On June 28, 2006, Magistrate Judge William B. Mitchell Carter filed a report and recommendation recommending (a) the Court accept Defendant Jeffery P. Smartt's ("Defendant") plea of guilty to a lesser included offense of Count One of the Indictment alleging a violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C) and 846; (b) the Court adjudicate Defendant guilty of the charges set forth in Count One of the Indictment; and (c) Defendant remain in custody until sentencing in this matter (Court File No. 213). Neither party filed an objection within the given ten days. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Court File No. 213) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) Defendant's plea of guilty to the lesser included offense of Count One of the Indictment alleging a violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C) and 846 is **ACCEPTED**;
- (2) Defendant is hereby **ADJUDGED** guilty of the charges set forth in the lesser included offense of Count One of the Indictment; and
- (3) Defendant **SHALL REMAIN** in custody until sentencing in this matter.

**SO ORDERED.**

**ENTER:**

*/s/*

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**CURTIS L. COLLIER  
CHIEF UNITED STATES DISTRICT JUDGE**